

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 20, 2008 and the Advisory Action of January 13, 2009. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-13 are pending in the Application. Claims 12-13 are added by this amendment.

In the Final Office Action, claims 1-6 and 9-11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 1,115,328 ("Murran"). Further, claims 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Murran and U.S. Patent No. 2,077,367 ("Hanley"), each taken separately. The rejections are respectfully traversed. It is respectfully submitted that claims 1-13 are allowable over Murran and Hanley for at least the following reasons.

The Advisory Action provides the first glimpse of how Murran is interpreted as providing the elements of the claims. Apparently, the Advisory Action views portions of an operation cycle of Murran as showing that an opening is maintained during a portion of an operation cycle. While it is not believed that this

is a reasonable interpretation of the claim language, however, since prosecution of the present application has been prolonged by the delay in providing this interpretation, the Applicants have elected to amend the claims in the interest of expediting consideration and allowance of the present application.

While Murran in FIG. 3 does show a portion of an operation cycle wherein an opening remains between cooperating edges of cooperating cutting teeth, as should be clear, as the cooperating cutting teeth continue the operation cycle, openings present between the cooperating edges are closed during some portion of the operating cycle.

It is respectfully submitted that the shaving apparatus of claim 1 is not anticipated or made obvious by the teachings of Murran. For example, Murran does not disclose or suggest, a shaving apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "two cooperating cutting members that are movable relative to each other and that are each provided with cutting teeth, wherein edges of the cutting teeth cooperate and wherein a cutting opening is present between the cooperating edges of the cutting teeth for catching hairs, said cutting opening

diverging when seen in a shaving direction of the apparatus, wherein a space remains between at least a portion of the cooperating edges such that the cutting openings are not entirely closed during any time of operation of the shaving apparatus" as recited in claim 1, and as similarly recited in claim 9. Hanley is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies Murran.

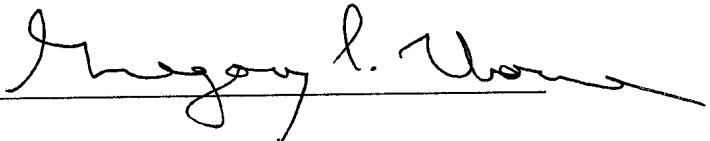
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 9 are patentable over Murran and notice to this effect is earnestly solicited. Claims 2-8 and 10-13 respectively depend from one of claims 1 and 9 and accordingly are allowable over Murran and/or Hanley for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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